IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3331 OF 2005

Laxman Shrimant Ganpati. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Ujwal R.Agandsurve for the Applicant.

Shri R.Y.Mirza, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 15th June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties.

2. An offence has been registered against the Applicant and others under sections 419, 463 465, 420, 468, 34 of the Indian Penal Code vide C.R.No.8/05 of Pandharpur Town Police Station. The F.I.R. is filed on 12th January 2005 in respect of the offence which has allegedly taken place in 2002. The Applicant is working as Talathi. The allegations against the Applicant is that he got the sale transaction executed from the Complainant and he asked the attesting witnesses to attest the document which was allegedly executed by Raghunath Jagannath Salunkhe. The allegation is that the said Raghunath Salunkhe turned out to be a fictitious person. The case of the Complainant is that an account was opened in the name of the said Raghunath

Salunkhe in which consideration of sale was deposited. It was realised later on that the said Raghunath Salunkhe had sold the same property earlier to some third party.

3. The application for anticipatory bail made by the Applicant was rejected by the learned Sessions Judge on 29th January 2005. The present Application is filed on 13th May 2005.

4. On 8th June 2005 when this Application was heard a query was made to the learned A.P.P. regarding the developments which have taken place after 29th January 2005. It was pointed out that from 29th January 2005 the Applicant has not been arrested. Time was granted to the learned A.P.P. to take instructions whether the custodial interrogation of the Applicant was still required. Accordingly the application was kept today. In the morning session as the concerned Investigating Officer was not present, the Application was kept back till afternoon. When the application was called out in the afternoon session, the learned A.P.P. stated that the concerned officer is not present. The learned Counsel appearing for the Applicant pointed out that the Applicant is attending the concerned Police Station as and when called upon.

5. From 29th January 2005 till 8th June 2005 there was

no protection granted in favour of the Applicant. Till today the Applicant has not been arrested. Nothing is placed on record to show that the Applicant has not cooperated with the Investigating Agency. The Applicant is a Village Officer.

6. Considering these facts, the Application is disposed of by directing that in the event the investigating agency desires to arrest the Applicant, 72 hours advance notice shall be given to the Applicant.

7. Parties to act on authenticated copy of this order.

Judge.